

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JO ANN HOWARD AND ASSOCIATES, P.C.,)	
SPECIAL DEPUTY RECEIVER OF LINCOLN)	
MEMORIAL LIFE INSURANCE COMPANY,)	
MEMORIAL SERVICE LIFE INSURANCE)	
COMPANY, AND NATIONAL)	
PREARRANGED SERVICES, INC.; ET AL.,)	
)	
Plaintiffs,)	Case No. 09-CV-1252-ERW
v.)	
)	
J. DOUGLAS CASSITY; RANDALL K.)	
SUTTON; BRENT D. CASSITY; J. TYLER)	
CASSITY; RHONDA L. CASSITY; ET AL.,)	
)	
Defendants.)	

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE
OF COMPLAINT AGAINST DEFENDANT RANDALL K. SUTTON**

Plaintiffs, under Fed. R. Civ. P. 41(a)(2), request an Order of the Court approving dismissal with prejudice of Plaintiffs' claims against Randall K. Sutton ("Sutton"), as contained in Plaintiffs' Third Amended Complaint.

1. Plaintiffs have received notice that Sutton has passed away, and do not intend to pursue claims against Sutton's estate.

2. Defendant Sutton had not pleaded a counterclaim or filed a motion for summary judgment.

3. Plaintiffs' dismissal without prejudice against Sutton shall not affect Plaintiffs' claims contained in Plaintiffs' Third Amended Complaint against the remaining defendants.

WHEREFORE, Plaintiffs respectfully request an Order of the Court dismissing with prejudice Plaintiffs' claims against Sutton.

Dated this 23rd day of December, 2014.

s/ Wendy B. Fisher

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Attorneys for Plaintiffs Jo Ann Howard and Associates, P.C., in its capacity as Special Deputy Receiver of Lincoln Memorial Life Insurance Company, Memorial Service Life Insurance Company, and National Prearranged Services, Inc.; the National Organization of Life and Health Insurance Guaranty Associations; the Missouri Life & Health Insurance Guaranty Association; the Texas Life & Health Insurance Guaranty Association; the Illinois Life & Health Insurance Guaranty Association; the Kansas Life & Health Insurance Guaranty Association; Oklahoma Life & Health Insurance Guaranty Association; the Kentucky Life & Health Insurance Guaranty Association; and the Arkansas Life & Health Insurance Guaranty Association

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2014, the foregoing **NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF COMPLAINT AGAINST DEFENDANT RANDALL K. SUTTON** was filed electronically with the Clerk of Court and served by operation of the Court's electronic filing system upon all counsel of record in this case participating in Electronic Case Filing.

I hereby further certify that on December 23, 2014, the foregoing was sent by United States Postal Service or by electronic means, as indicated below, to the following non-participants in Electronic Case Filing:

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s/ Wendy B. Fisher

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